

### **REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3, 5, 8-13, 15-18, 20-22, 24-28, 30-39, 41-48, and 50-52 are presently active in this case. The present Amendment amends Claims 1, 3, 5, 8, 13, 18, 20-22, 24, and 50-52 without introducing any new matter; and cancels Claims 2, 4, 6-7, 19, 23, 49, and 54-56 without prejudice or disclaimer.

The outstanding Office Action rejected Claims 1, 9-12, 17-18, 27, 50, 51 and 54-56 under 35 U.S.C. §103(a) as unpatentable over Kool et al. (U.S. Patent No. 6,449,111; herein “Kool”) in view of Contreras et al. (U.S. Patent No. 5,995,306; herein “Contreras”). Claims 2, 3 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over the combination of Kool and Contreras, further in view of Mitsuno et al. (U.S. Patent No. 5,590,108; herein “Mitsuno”). Claims 5 and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over the combination of Kool, Contreras and Mitsuno further in view of Naimpally (U.S. Patent No. 5,589,993). Claim 15 was rejected under 35 U.S.C. §103(a) as unpatentable over the combination of Kool and Contreras, further in view of Garza (U.S. Patent No. 5,739,979). Claims 33-39, 41-48 and 52 were allowed and Claims 4, 8, 13, 16, 19-21, 24-26, 28 and 30-32 were indicated as allowable if rewritten in independent form.

Applicants acknowledge with appreciation the indication of allowable subject matter. In response, Claim 1 is amended to recite all the features of Claim 2 and allowable, dependent Claim 4. Claims 2 and 4 are cancelled. Claim 8 is rewritten in independent form, thereby combining all the features of independent Claim 1 and dependent Claim 7. Consequently, Claim 7 is cancelled. Claim 13 is rewritten in independent form by including all the features of independent Claim 1. Claim 19 and 24 are rewritten in independent form by combining all the features of Claim 19 into independent Claim 18, and by combining all

the features of Claim 18 into Claim 24. Consequently, Claim 19 is cancelled. In addition, Claims 3, 5 and 20-22 are amended to change the claim dependency. Claim 52 is amended to correct minor formalities. Since the changes to the claims either are only formal in nature and/or merely combine features of dependent claims into respective independent claims, the changes are not believed to raise any question on new matter.

In response to the rejection of Claims 50-51, Claim 51 is amended to recite the allowable feature of Claim 52, to recite "the reproduced data can be different data than said output data produced in the outputting." Claim 50 is amended to recite a similar feature. In view of the amendments to Claims 50-51, the rejection of these claims is moot, and Applicants respectfully request reconsideration of the rejection.

In response to the Restriction Requirement of June 16, 2004 being made final, Applicants cancels Claims 6, 23, and 49 without prejudice or disclaimer. Applicants reserve the right to present claims directed to the non-elected inventions in a divisional application, which shall be subject to the third sentence of 35 U.S.C. §121.<sup>1</sup>

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 3, 5, 8-13, 15-18, 20-22, 24-28, 30-39, 41-48, and 50-52 is earnestly solicited.

---

<sup>1</sup> "A patent issuing on an application with respect to which a requirement for restriction under this section has been made ... shall not be used as a reference ... against a divisional application." See also MPEP §804.01.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

I:\ATTY\NS\006541\285221US\285221US-AM-DRAFT.DOC

**Eckhard H. Kuesters**  
**Registration No. 28,870**